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C O N F I D E N T I A L SECTION 01 OF 02 BERLIN 000801

SIPDIS

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TAGS: PREL GM KV

SUBJECT: KOSOVO 120 DAYS LATER -- GERMANY REMAINS IN  
LOCKSTEP (C-RE8-01061)

REF: STATE 60548

Classified By: POLITICAL MINISTER COUNSELOR JEFF RATHKE. REASONS: 1.4 (B) AND (D).

¶1. (U) SUMMARY: Since Kosovo's coordinated declaration of independence on February 17 and through the transfer of power from the UN to the government of Kosovo following the entry-into-force of its constitution on June 15, Germany has continued to coordinate closely with the United States and other Quint members to ensure a smooth transition of power. Germany has also been working closely with the EU to press for support for EULEX and the fledgling government of Kosovo, as well as pushing countries to provide ample financial support at the upcoming Kosovo Donors' Conference. END SUMMARY.

UNMIK - EULEX TRANSFER EXPECTED

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¶2. (C) PolOff met with MFA Western Balkans Deputy Office Director Mark Bogdahn on June 12, who gave a generally positive review of the situation on the ground in Kosovo 120 days after independence. Bogdahn noted the anticipated notification of transition from UNMIK to EULEX, (NOTE: Post understands that UNSYG unveiled his plans later that day in New York. End note.) and expected a discussion within the UNSC to follow within the coming weeks, but not before June ¶20. Germany anticipates Serbian and Russian protests following this step, but Bogdahn does not expect this to hinder the transfer. He said recent talks between FM Steinmeier and Russian President Medvedev indicate no change in Russian's hard-line position.

¶3. (C) Bogdahn reported that the transition will occur step by step over a period of four months following the entry into force of Kosovo's constitution, and that during this period EULEX will be put under the "loose umbrella of the UN," which will require, among other things, monthly reports to the UNSC. He noted that the construct was "legally pretty vague," but should suffice as a basis for those EU member states that still claim that UNSCR 1244 is not sufficient for EULEX. Bogdahn said that following the transition phase, UNMIK will only have residual functions such as reporting or mediating as well as continuing some engagement in the North. He noted that there is currently no anticipated end date for the mission.

¶4. (C) When asked about the transfer of UN equipment to EULEX, Bogdahn admitted that this has been problematic, noting that the UN initially argued that the assets belong to UN member states and could not be transferred against their will. This opinion has recently been relaxed, however, and the handover should occur based on several Memoranda of Understanding (MoU) between UNMIK and EULEX. The UN will advise UNMIK in Pristina to sign the MoU, despite the fact that the payment issue is not yet fully resolved. When asked about how cooperative the UN has been, Bogdahn noted that the main obstacle to progress was the SYG's Secretariat as well as the UN Legal Department, whose assessment from the start

was that the declaration of independence itself was illegal and the UN should have rejected it.

EU FINANCIAL SUPPORT EXPECTED

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15. (C) To date, seven EU member countries (Greece, Cyprus, Spain, Romania, Slovakia, Portugal and Malta) have not yet recognized Kosovo. Bogdahn reported that Spain is demarching other capitals around the world, strongly opposing recognition. He said it is not clear yet how Portugal and Malta would act, but that they are not as opposed to recognition as Spain. Despite some countries' opposition, however, Bogdahn reported that the EU Commission will pledge approximately 400 million Euros at the Kosovo Donors Conference in Brussels July 11, and that individual national contributions are expected on top of that. While he could not yet specify Germany's national contribution, Bogdahn was interested in the U.S. share. He also noted that Germany has been demarching capitals with the hope that national contributions will amount to substantial additional funds.

SERBIA DOMESTIC SITUATION NEUTRAL REGARDING KOSOVO

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16. (C) Bogdahn anticipates positive changes in Serbia's relations with Europe thanks to the expected coalition between the DSS and the Socialist Party. He said that the Socialists have shifted more towards Europe, realizing that their ambitious social agenda could only be implemented with an influx of EU funds. He also expects cooperation with the ICTY to continue and noted on another positive note that only

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three war criminals remain at large (and that Serbia is only responsible for two since it is unlikely that Karadzic is still in Serbia). Bogdahn said he did not anticipate major changes with respect to Kosovo, but noted that the Democrats are not as opposed to EULEX as the Radicals. He also speculated that northern Kosovo could feel alienated from the government in Belgrade as a result of the coalition. Bogdahn said that the international presence would have to be more visible and establish its authority in northern Kosovo, ensuring that the border between northern Kosovo and Serbia is controlled by UNMIK. He predicted that bit by bit a "modus vivendi" could be found, but warned against actions which could unnecessarily agitate the Serbs.

17. (C) Comment: Despite slightly differing views on the stability of the current Kosovo government, the Germans are committed to our shared goal of making Kosovo a success. End comment.

TIMKEN JR